

REMARKS

Claims 1, 2 and 8-13 stand rejected under 35 USC 102 over Kelly, Jr. et al and claims 5-7 stand rejected under 35 USC 103 over Kelly, Jr. et al in view of Bell et al. Applicant gratefully acknowledges that the examiner has indicated that claims 3 and 4 contain allowable subject matter.

Applicant has amended claim 1 in order to distinguish the invention clearly over the disclosure of Kelly, Jr. et al and has added new claims 16-26.

The present invention, as defined in claim 1, is concerned with a skin patch that comprises first and second layers of material and a telesensor sandwiched between the first and second layers of material. Claim 1, as now amended, specifies that the first and second layers of material are permeable to water vapor.

Kelly, Jr. et al discloses a skin patch that comprises a bottom adhesive layer 56, a printed circuit board 50, electronic components attached to the circuit board 50, and a top layer 60 that covers the circuit board. The bottom adhesive layer 56 is described at column 12, lines 14 and 15 as 9776 Foam Medical Tape produced by 3M and the top layer 60 is described at column 12, lines 32-33 as comprising 9776 Foam Medical Tape. (A copy of the 3M Medical Foam Tapes Selection Guide dated July 2001 is submitted herewith.) The Selection Guide contains an entry "none" in the MVTR field for the 9776 tape (and all the other polyethylene tapes mentioned in the Selection Guide), Applicant submits that the entry "none" in the MVTR field for 9776 tape means that the 9776 tape has a moisture vapor transmission rate of zero and is thus impermeable to water vapor. Applicant therefore submits that claim 1 is patentable and it follows that the dependent claims 2-13 also are patentable.

The new independent claim 16 recites a perforated flexible circuit substrate and a layer of material having a moisture vapor transmission rate of at least 425 g/m² for 24 hours. Applicant submits that both of these features distinguish claim 16 over the disclosure of Kelly, Jr. et al. Therefore, claim 16 is

patentable and the dependent claims 17-20 also are patentable.

The new independent claim 21 recites first and second layers that are permeable to water vapor and a perforated flexible circuit substrate. Applicant submits that each of these features distinguishes claim 21 over the disclosure of Kelly, Jr. et al. Applicant therefore submits that claim 21 is patentable and it follows that the dependent claims 22-26 also are patentable.

Respectfully submitted,



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